IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10312 of 2004

Between:

Abdul Ravoof S/o Abdul Rasheed
Sangaredy , Medak District

..... PETITIONER

AND

1.The superintendent of Police Sangareddy , Medak District
2.The Deputy Superintendent of Police Sangareddy, Medak District
3.The Circle Inspector of Police Sanagareddy, Medak District
4.P.Parameshwar, Editor of Gamanica Daily News Paper,

Sangareddy, Medak District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent police in not initiating any action against the 4th respondent pursuant to the complaint lodged by the petitioner on 17/04/2004 as illegal, arbitrary, unconstitutional and consequently direct the respondent police to forthwith initiate appropriate action against the 4th respondent.

Counsel for the Petitioner: MR.MOHD.YASEEN ALI

Counsel for the Respondents 1 TO 3: GP FOR HOME

The Court made the following :

ORDER:

This Writ Petition is filed seeking a writ of Mandamus declaring the alleged inaction on the part of the respondents 1 to 3 in initiating any action against 4th respondent pursuant to the complaint lodged by the petitioner dated 17-04-2004 as illegal and arbitrary.

The petitioner states that he is Chief Editor of 'Adhikar" Telugu Newspaper at Sanga Reddy, Medak District, and that on13-04-2004, 4th respondent who is Editor of "Gamanica" published a News item against the petitioner containing certain defamatory statements. The petitioner condemned the news published by 4th respondent and since he apprehended that the defamatory statement made by 4th respondent would also result in loss of business, he lodged a complaint on 17-04-2004 with the respondent police seeking intervention and to initiate appropriate action against 4th respondent. It is alleged that in spite of fact that he approached respondents 1 to 3 and requested to take necessary action against 4th respondent, they failed to initiate any steps. Hence, this Writ Petition.

The Circle Inspector of Police, Sangareddy, Medak District, filed counter-affidavit on 8-07-2004 on behalf of the respondents 1 to 3, stating that based on the complaint received from the petitioner, G.D. entry was made and the investigation was taken up immediately. It is further stated that the complainant after lodging complaint never

came to the Police station in spite of repeated reminders and messages. However, the respondents proceeded with the investigation and during enquiry, it is established that 4th respondent published a false news item on 13-04-2004 in an attempt to defame the reputation of the petitioner in the society and that the said offence is non-cognizable. Hence, the respondents obtained permission from the Judicial Magistrate of I Class, Sangareddi on 29-06-2004 and thereafter F.I.R.No.87 of 2004 has been registered and the same is under investigation following due process of law.

In the light of the averments in the counter-affidavit filed by the respondents 1 to 3, the allegation of the petitioner as to the alleged inaction on the part of the respondents is unfounded.

Accordingly, recording the statement of respondents 1 to 3 that the investigation is under progress, the Writ Petition is closed. There shall be no order as to costs.

22nd JULY 2004

BSS/GBS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The superintendent of Police Sangareddy , Medak District
2.The Deputy Superintendent of Police Sangareddy, Medak District
3.The Circle Inspector of Police Sanagareddy, Medak District
4.2CCs to G.P. for Home, High Court buildings, Hyderabad (OUT)

5.2CD copies

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